

# SITE SELECTION AND ACQUISITION POLICY

## PROPOSED

APRIL 2, 2007

### APPROVALS:

OCCM SENIOR STAFF: 2/23/07; 3/2/07

INTERIM COURT FACILITIES PANEL: 3/12/07

COURT FACILITIES TRANSITIONAL TASK FORCE:  
3/21/07

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ADMINISTRATIVE OFFICE  
OF THE COURTS

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OFFICE OF COURT CONSTRUCTION  
AND MANAGEMENT

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Site Selection and Acquisition Policy**Site Selection and Acquisition Policy**

1. Whenever the Judicial Council approves a request of funding of a capital project for a court facility and the project is subsequently funded by the legislature (or State Budget) for site selection and acquisition, the Administrative Director<sup>1</sup> of the Courts or his designee will, upon recommendation by staff of the AOC:
  - (a) Have the authority to approve criteria established for selection of sites for specific projects and have the authority to approve negotiated terms of acquisition, for acquisition of non-controversial sites.<sup>2</sup>
  - (b) Have the authority to acquire non-controversial sites, including execution of required documentation without further Judicial Council approval; and
  - (c) Be required to seek Judicial Council approval for recommended sites that are controversial.
2. AOC staff and the Project Advisory Group<sup>3</sup> assigned to a specific project will establish objective and consistent site selection criteria for location of trial and appellate court facilities and will evaluate potential sites based on those criteria.
3. In all site selections, AOC staff will seek to identify at least two or more sites that meet the agreed-upon criteria and will have the authority to negotiate terms of acquisition with two, or multiple, sellers. Consistent with the Judicial Council's Prioritization Methodology for Trial Court Capital Outlay Projects, AOC staff will consider and recommend sites for selection and acquisition that meet the established criteria, including sites, locations, and proposals that will provide specific economic benefit or opportunities to the state.

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<sup>1</sup> Requires modification to California Rule of Court, rule 10.15(a) and (b)(5)

<sup>2</sup> For definition of controversial, see Section II. C of this policy.

<sup>3</sup> California Rules of Court, rule 10.184 (d)

## **I. Purpose of the Site Selection Criteria and Process**

The criteria for site selection are provided to deliver objective and consistent guidelines by which the Judicial Council and the Administrative Office of the Courts shall evaluate real property sites for location of new appellate and trial court capital-outlay facilities.

The use of standardized criteria for selection of sites, the creation of a standard process of competitive solicitation of properties, and the objective and consistent evaluation of available properties shall guide AOC staff in recommendations to the Administrative Director of the Courts for site acquisitions for facilities.

The criteria shall:

- Establish consistent and objective primary measures for identifying project-specific site requirements for new appellate and trial court facilities;
- Provide a structured and comprehensive tool to guide the Project Advisory Group for each capital project in determining the general and specific site location criteria for that project; and
- Provide demonstrable measures for competitive evaluation of potential sites that have been identified.

The criteria have three main components;

- Project requirements, which delineate the necessary, desirable, and undesirable features, location and size of future potential sites, including demographics, location, neighborhood character, environmental sustainability, and site size, security, traffic impacts and public transit features, local planning requirements, and schedule/availability.
- Technical requirements, which delineate the physical elements which contribute to its viability for selection; and
- Economic factors, including: capital cost of purchase; impacts and costs of required improvements to local infrastructure and on-going infrastructure costs such as utilities, road maintenance, etc; and economic incentives, both public and private.

## **II. Definitions**

- A. Acquisition: Purchase or conveyance of land and/or building for court facilities
- B. Lease: Term-based transaction with third party for land and/or buildings for court facilities.

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- C. Controversial Sites: Sites or matters related to site selection/acquisition for new court facilities, which include unresolved issues or dispute about criteria, cost, location, or any other feature of a specific site or sites, by members of the Project Advisory Group, the court or courts involved in the project, the local or regional jurisdictions the public or private business entities.

### III. Evaluation Process for Acquisition

- A. Use of the standardized site criteria: For all new trial court capital-outlay and appellate court facilities, the Site Selection Criteria and Process will be applied by the project team. Once a Project Advisory Group for a project is selected and convened, it shall confirm the site requirements for a particular project that were identified in the superior court facilities master plan<sup>4</sup> or in a subsequent feasibility study prepared by AOC staff for a particular project, and to consider those criteria by order of importance, including weighting and overall priority. This task shall be completed prior to initiating/conducting any property identification or solutions. Criteria development will be approved by members of the court and the confirmed by the Project Advisory Group, subject to recommendation by the AOC's project manger and approval by the Administrative Director of the Courts under this policy.
- B. Identification of potential sites: Once the criteria are developed for a particular project, the AOC Real Estate and Asset Management team will represent the Project Advisory Group in identifying or in soliciting competitive proposals for sites that meet the specified site criteria.
- C. Evaluation of Identified Sites: Once sites have been identified, the AOC staff, working with the Project Advisory Group for a particular project, and in consultation with the real estate team, will determine which sites will be pursued competitively. The sites will be given a priority by the agreed-upon weighting and point-assignment system developed in the criteria stage.
- D. Negotiation of Terms: Terms of acquisition will be negotiated by the AOC project team in consultation with the Project Advisory Group.
- E. Approval: The Administrative Director of the Courts will approve the criteria for selection, ranking of sites, and recommendations and subsequent negotiation of terms.

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<sup>4</sup> In 2002-2004, a facilities master plan was prepared for each superior court.

## Site Selection and Acquisition Policy

## IV Categories of Site Selection Criteria for Delineated Area

		Required <sup>5</sup>	Preferred	Not desirable
<b>Project Requirements - Site Features</b>				
<b>Required Site Area</b>	Define minimum/maximum site area <ul style="list-style-type: none"> <li>• Site Geometry</li> <li>• Site Contiguity</li> </ul> Define building size and height assumptions: parking including cost benefit of size Define expansion capabilities Parking Requirements			
<b>Location Preferences</b>	Define delineated area proximities and adjacencies, to other services (agencies, transit, public served)			
<b>Site Coverage</b>	Define site coverage and open space requirements			
<b>Security Requirements</b>	Define setbacks and other security requirements			
<b>Sustainability</b>	Review redevelopment and rehabilitation potential cost benefit-time Analyze alternative transit availability Evaluate energy efficiency or reduction in usage-utility service areas, solar/wind opportunities Consider habitat preservation or improvement Determine LEED credit potential			
<b>Neighborhood Character/Immediate Surroundings</b>	Establish neighborhood compatibility with proposed use <ul style="list-style-type: none"> <li>• Favorable/Unfavorable Surroundings</li> <li>• Improving/Declining Neighborhood</li> <li>• Demographics: Population densities</li> </ul>			
<b>Traffic &amp; Transportation</b>	Define requirements/proximity for <ul style="list-style-type: none"> <li>• Public Transit/Pedestrian Access</li> <li>• Bike Paths</li> <li>• Public Parking Areas</li> <li>• Overall Road/Traffic Capacity</li> </ul>			
<b>Image &amp; Visibility</b>	Establish appropriate character/image for project Location of adjacent use types of buildings and businesses			
<b>Local Planning Requirements/Initiatives</b>	Determine consistency with comprehensive land use plan Determine potential to support local planning initiatives			
<b>Budget</b>	Review Pro forma for development and related documents			

<sup>5</sup> If a site does not offer or meet these criteria, it shall be removed from consideration.

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<b>Schedule</b>	Determine site availability requirements Ownership thresholds (ground lease, title, etc.) Political or government interest			
<b>Special Considerations</b>				
<b>Project Requirements - Technical and Physical Features</b>				
<b>Site Context/Location Information</b>	Review context from <ul style="list-style-type: none"> <li>• Area Map and Aerial Photos</li> <li>• Local Street and Topographic Maps</li> <li>• City Master Planning Map(s)</li> <li>• Proximity to court-related functions, jails</li> </ul> Preview project impact on local goals, programs, and issues			
<b>Physical Elements</b>	Hydrology Check for: <ul style="list-style-type: none"> <li>• Existing Floodplains and Watersheds</li> <li>• Wetlands</li> <li>• Drainage Problems</li> <li>• Stream Valley Buffers</li> </ul> Topography <ul style="list-style-type: none"> <li>• Determine Impact on Development Patterns</li> </ul> Physical Features <ul style="list-style-type: none"> <li>• Identify Unique Features or Landmarks</li> <li>• Identify Existing Improvements and Buildings</li> <li>• Evaluate Potential of Existing Structures</li> </ul> Vegetation and Landscape <ul style="list-style-type: none"> <li>• Evaluate Potential of Existing Vegetation and Landscape</li> </ul> Archaeological Features <ul style="list-style-type: none"> <li>• Determine Known Archaeological/Cultural Districts/Areas</li> </ul> Environmental Hazards <ul style="list-style-type: none"> <li>• Determine Known Hazards</li> </ul> Threatened, Rare, and Endangered Species <ul style="list-style-type: none"> <li>• Determine Existence of Known Species</li> </ul> Sustainability <ul style="list-style-type: none"> <li>• Determine Consistency With Sustainable Design Principles</li> </ul> Conservation Program and Regulations <ul style="list-style-type: none"> <li>• Determine Known Conservation Regulations, Initiatives, and Areas</li> </ul>			

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<b>Physical Elements</b>	<p>Hydrology Check for:</p> <ul style="list-style-type: none"> <li>• Existing Floodplains and Watersheds</li> <li>• Wetlands</li> <li>• Drainage Problems</li> <li>• Stream Valley Buffers</li> </ul> <p>Topography</p> <ul style="list-style-type: none"> <li>• Determine Impact on Development Patterns</li> </ul> <p>Physical Features</p> <ul style="list-style-type: none"> <li>• Identify Unique Features or Landmarks</li> <li>• Identify Existing Improvements and Buildings</li> <li>• Evaluate Potential of Existing Structures</li> </ul> <p>Vegetation and Landscape</p> <ul style="list-style-type: none"> <li>• Evaluate Potential of Existing Vegetation and Landscape</li> </ul> <p>Archaeological Features</p> <ul style="list-style-type: none"> <li>• Determine Known Archaeological/Cultural Districts/Areas</li> </ul> <p>Environmental Hazards</p> <ul style="list-style-type: none"> <li>• Determine Known Hazards</li> </ul> <p>Threatened, Rare, and Endangered Species</p> <ul style="list-style-type: none"> <li>• Determine Existence of Known Species</li> </ul> <p>Sustainability</p> <ul style="list-style-type: none"> <li>• Determine Consistency With Sustainable Design Principles</li> </ul> <p>Conservation Program and Regulations</p> <ul style="list-style-type: none"> <li>• Determine Known Conservation Regulations, Initiatives, and Areas</li> </ul> <ul style="list-style-type: none"> <li>• Height Restrictions</li> <li>• Floor Area Ratio</li> <li>• Setback Requirements</li> <li>• Parking Ratios</li> </ul>			
<b>Public Streets and Alleys</b>	Determine special requirements for roadways and streets			
<b>Subsurface/Geotechnical Conditions</b>	Determine local geotechnical, subsurface, and soil conditions			
<b>Seismic Conditions/Requirements</b>	Determine state and local seismic requirements/parameters/zones			
<b>Energy Conservation/Utilities</b>	<p>Determine utility/infrastructure requirements for project</p> <p>Assess local systems' capacities and conditions</p>			
<b>Sewer</b>	<p>Determine local sanitary sewer capacity and condition</p> <p>Determine local storm water regulations and capacity</p>			
<b>Historic Preservation/Site</b>	<p>Determine existing historic or cultural districts</p> <p>Identify local historic planning groups and</p>			

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**IV Categories of Site Selection Criteria for Delineated Area**

		Required <sup>5</sup>	Preferred	Not desirable
<b>History</b>	programs			
<b>Existing Use, Ownership, and Control</b>	Determine impacts of existing use, ownership, and control			
<b>Community Services</b>	Establish proximity requirements to community services			
<b>Financial Factors</b>				
<b>Site Acquisition and Relocation Costs</b>	Establish site acquisition budget			
<b>Demolition/Remediation Costs</b>	Establish range of site demolition/remediation costs			
<b>Site Construction and Preparation Costs</b>	Establish range of site construction and preparation costs			
<b>Infrastructure Improvements</b>	Review plans for local infrastructure improvements			
<b>Local Economic Development Impact</b>	Establish target local economic development impact goals			
<b>Funding Sources Through Partnering</b>	Establish target funding levels/percentages through partnering			



## Site Selection and Acquisition Policy

## Proposed Site Selection Criteria FORM – Point Ranking by Each Project Advisory Group\*

Minimum Threshold Requirements		Points	Weight	Total
	<b>Project Advisory Team must establish the following thresholds:</b>			
<b>Required Site Area</b>	The Minimum site area is _____ sq.ft. or acres			
	The Maximum site area is _____ sq.ft. or acres			
	Any restrictions on site geometry? Yes / No yes, site must be _____ {flat, min width, min depth}			
	Any required contiguous elements? Yes / No Must be adjacent to _____ {example: the "XYZ Detention facility"} Must not be adjacent to _____			
	The proposal must include ____ number of secured parking spaces for judges and ____ number of spaces for court staff and ____ spaces made available for jurors (during the hours of ____)			
<b>Location Preferences</b>	The court service area is _____  {within a ____ mile radius of the City of "X", within ____ miles of the detention facility, near the existing "X" courthouse, no less than ____ ft from _____}			
<b>Site Coverage</b>	The maximum Floor Area Ratio is _____.  Site must allow for at least _____ sq.ft. of landscaped open space in addition to parking and the building.			
<b>Security Requirements</b>	A setback of _____ ft. is required on all sides of the maximum probable building footprint.  Underground tunnels <u>are/ are not</u> allowed.  Public utility easements <u>are / are not</u> allowed.  Private easements <u>are/ are not</u> allowed.  Adjacent off site structures may be no taller than _____ ft.			
<b>Sustainability</b>	Site must be in a redevelopment area? Yes / No			
	Site may be in a habitat preservation zone? Yes / No			

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**Proposed Site Selection Criteria FORM – Point Ranking by Each Project Advisory Group\***

Minimum Threshold Requirements		Points	Weight	Total
<b>Neighborhood Character/</b>	Establish neighborhood compatibility parameters (Favorable/Unfavorable Surroundings)			
<b>Immediate Surroundings</b>				
<b>Traffic &amp; Transportation</b>	Requirements/proximity for :			
	Public bus service must be available to site within ____ mile. {1/8, 1/4 }			
	Public parking must be available within _____ mile of site.			
	Bike path access is required? Yes / No / Desirable			
	Site must be within _____ miles of Highway/Road _____ {I-5, Hwy 101 }			
	Site must have improved road access minimum of ____ lanes.			
<b>Budget</b>	Acquisition cost of site must be no more than \$ _____			
	Demolition of any existing buildings must be included in the offer and price? Yes / No			
	Re-use of existing buildings <u>is / is not</u> acceptable.			
<b>Schedule</b>	Site must be ready to close escrow within ____ days of acquisition agreement or lease/property ready for occupancy by ____			
	Must have all parcels assembled under offer or control at time of proposal? Yes / No			
	Any required seller's environmental mitigation measures must be completed within _____ days of close of escrow / before close of escrow.			
<b>Total Scores</b>				
Comments/Justifications-Explore ranking and weighting system				
Approvals:				
<div style="text-align: right;"> <div style="border-bottom: 1px solid black; width: 100%;"></div> Project Advisory Group </div> <div style="text-align: right;"> <div style="border-bottom: 1px solid black; width: 100%;"></div> Director of OCCM </div> <div style="text-align: right;"> <div style="border-bottom: 1px solid black; width: 100%;"></div> Administrative Director of Courts </div>				

\* Ranking/weighting to be justified by each project team